

EXHIBIT

“A”

Case 1:16-cv-09517-LAK-KHP Document 115-12 Filed 07/29/18 Page 2 of 34
 Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.
 United States District Court for the Southern District
 Civ. Action No.: 16-cv-9517(LAK)

NL = Not Legal / No Lawyer

F = Fiduciary Exception

W = Waiver

C = Crime-Fraud

Eber Defendants' Amended Privilege Log 9/29/2017 Production

4/25 Eber Δ's will voluntarily produce items marked with "X"

Bates Number	Date of Document	Type of Document	General Subject Matter	Author(s)	Addressee(s)	Reason Document Withheld From Disclosure
NL F W 00000713 00000713a-t	11/27/2009	Electronic mail and bank document drafts	Follow up to conversation regarding EBWLC debt	Wendy Eber	Elliot Gumaer, Esq. cc: Lester Eber	Attorney Client Privilege
NL F W 00000714- 00000728	3/22/2010	Electronic mail and Security Agreement draft	Request to review and comment on bank documents and correspondence	Janet Lissow on behalf of Lester Eber	Elliot Gumaer, Esq. cc: Lester Eber	Attorney Client Privilege
NL F 00000729	10/5/2011	Electronic mail	Money Lester Eber loaned to EBWLC	Wendy Eber	Janet Lissow	Attorney Client Privilege
NL F 00000729	10/5/2011	Electronic mail	Money Lester Eber loaned to EBWLC	Lester Eber	Wendy Eber cc: Janet Lissow	Attorney Client Privilege
NL F 00000729	10/1/2011	Electronic mail	Money Lester Eber loaned to EBWLC	Lester Eber	Wendy Eber	Attorney Client Privilege
NL F 00000729	9/30/2011	Electronic mail	Money Lester Eber loaned to EBWLC	Lester Eber	Wendy Eber	Attorney Client Privilege
NL F 00000729- 00000731	9/29/2011	Electronic mail	Money Lester Eber loaned to EBWLC	David Belt, Esq.	Lester Eber cc: Russell Green, Esq.	Attorney Client Privilege
00000732- 00000733	9/29/2011- 10/5/2011	Electronic mail	*duplicate of Bates 00000729-00000731	*duplicate of Bates 00000729-00000731	*duplicate of Bates 00000729-00000731	Attorney Client Privilege

X

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NL F	00000734	3/22/2010	Electronic mail	Questions regarding bank loan documents.	Wendy Eber	Glenn Sturm, Esq. cc: Lester Eber	Attorney Client Privilege
NL F	00000734	2/26/2010	Electronic mail	Forwarding 2/23/2010 electronic mail, below	Wendy Eber	Wendy Eber	Attorney Client Privilege
F	00000734-00000735	2/23/2010	Electronic mail	Questions regarding loan documents	Steve Park, Esq.	Wendy Eber cc: Will Gaines, Esq. cc: Patty Byrd, Esq. cc: Glenn Sturm, Esq.	Attorney Client Privilege
F	00000735	2/23/2010	Electronic mail	Questions regarding bank loan documents	Glenn Sturm, Esq.	Steve Park, Esq. cc: Will Gaines, Esq. cc: Patty Byrd, Esq. cc: Wendy Eber	Attorney Client Privilege
F	00000735	2/23/2010	Electronic mail	Questions regarding bank loan documents	Will Gaines, Esq.	Glenn Sturm, Esq.	Attorney Client Privilege
F	00000735-00000736	2/22/2010	Electronic mail	Questions regarding bank loan documents	Glenn Sturm, Esq.	Will Gaines, Esq.	Attorney Client Privilege
F	00000736	2/22/2010	Electronic mail	Questions regarding bank loan documents	Will Gaines, Esq.	Glenn Sturm, Esq.	Attorney Client Privilege

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F	00000736	2/22/2010	Electronic mail	Questions regarding bank loan documents	Glenn Sturm, Esq.	Will Gaines, Esq. cc: Patty Byrd, Esq. cc: Wendy Eber	Attorney Client Privilege
F	00000736	2/22/2010	Electronic mail	Questions regarding bank loan documents	Wendy Eber	Patty Byrd, Esq.	Attorney Client Privilege
F	00000736-00000737	2/22/2010	Electronic mail	Questions regarding bank loan documents	Patty Byrd, Esq.	Wendy Eber	Attorney Client Privilege
NL F	00000738	1/19/2012	Electronic mail	Forwarding 1/18/2012 electronic mail, below	Lester Eber	Janet Lissow	Attorney Client Privilege
NL F	00000738-00000739	1/18/2012	Electronic mail	Questions regarding bank loan documents	David Belt, Esq.	Lester Eber	Attorney Client Privilege
NL F W	00000741	3/9/2012	Electronic mail	Confirming telephone conference with Glenn Sturm, Esq. regarding bank relationship issues	Wendy Eber	Elliot Gumaer, Esq. cc: Lester Eber	Attorney Client Privilege
NL W, F	00000741	3/9/2012	Electronic mail	Bank relationship issues	Elliot Gumaer, Esq.	Wendy Eber cc: Lester Eber	Attorney Client Privilege
	00017223	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege

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00017372	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege
00017391	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege
00017665	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege
F 00017666-00017670	6/7/2016	Settlement Agreement drafts EBWLC / PBGC	Confidential Summary of Key Terms	Bond Schoenack & King PLLC	Wendy Eber	Attorney Client Privilege
00017687	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege
00017769	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege
00017776	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege
00017818	8/4/2017	Electronic mail	Client forwarding documents to Underberg & Kessler LLP	Wendy Eber	Underberg & Kessler LLP	Attorney Client Privilege

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Eber Defendants' Privilege Log May 8, 2018 Production

<u>Bates Number</u>	<u>Date of Document</u>	<u>Type of Document</u>	<u>General Subject Matter</u>	<u>Author(s)</u>	<u>Addressee(s)</u>	<u>Reason Document Withheld From Disclosure</u>
EB-00026240	April 10, 2014	Electronic mail	Subpoenas Harris Beach v. Eber	Joseph Nacca, Esq.	Ingrid Palermo, Esq.	Attorney Work Product
EB-00026240 – EB-00026241	April 7, 2014	Electronic mail	Harris Beach v. Eber	Edward Hourihan, Esq.	Cindy Raskopf cc to Joseph Nacca, Esq.	Attorney Work Product
EB-00026241	April 7, 2014	Electronic mail	Harris Beach v. Eber	David Hardy, Esq.	Edward Hourihan, Esq.	Attorney Work Product
EB-00026241 – EB-00026242	March 28, 2014	Electronic mail	Harris Beach v. Eber	Kevin Tompsett, Esq.	David Hardy, Esq. cc to Sherwin Yoder, Esq.	Attorney Work Product
EB-00026242 – EB-00026243	March 28, 2014	Electronic mail	Appellate Division Decision	Kevin Tompsett, Esq.	Sherwin Yoder, Esq. cc to Joseph Picciotti	Attorney Work Product
EB-00026244	Undated	Notes/Questions	Harris Beach v. Eber	W. Eber	Bond, Schoenick & King	Attorney Client Privilege
EB-00026245	February 13, 2015	Electronic mail	Harris Beach v. Eber	Ingrid Palermo, Esq.	Susan Heffner	Attorney Client Privilege
EB-00026245	February 13, 2015	Electronic mail	Lester Eber's Affidavit in Harris Beach v. Eber	Wendy Eber	Ingrid Palermo, Esq.	Attorney Client Privilege
EB-00026246 – EB-00026247	February 13, 2015	Chart	Harris Beach v. Eber	Wendy Eber	Ingrid Palermo, Esq.	Attorney Client Privilege
EB-00026248 – EB-00026250	October 27, 2015	Letter	Settlement of Harris Beach v. Eber	Ingrid Palermo, Esq.	Wendy Eber Lester Eber	Attorney Client Privilege
EB-00026251 – EB-00026253	Undated	Notes/Questions	Settlement of Harris Beach v. Eber	John Herbert, Esq.	Bond, Schoenick & King PLLC	Attorney Client Privilege/Attorney Work Product

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EB-00026254	October 7, 2015	Electronic mail	Settlement of Harris Beach v. Eber	John Herbert, Esq.	Edward Hourihan, Esq. Cc to Wendy Eber, Lester Eber	Attorney Client Privilege
EB-00026255	May 29, 2015	Electronic mail	Harris Beach v. Eber	Edward Hourihan, Esq.	Cindy Raskopf	Attorney Work Product
EB-00026255 – EB-00026256	May 27, 2015	Electronic mail	Lester Eber's Affidavit in Harris Beach v. Eber	Lonie Hassel, Esq.	Ingrid Palermo, Esq., Wendy Eber, Lester Eber, John Herbert, Esq., Edward Hourihan, Esq.	Attorney Client Privilege/Attorney Work Product
EB-00026256 – EB-00026257	May 20, 2015	Electronic Mail	Lester Eber's Affidavit in Harris Beach v. Eber	Ingrid Palermo, Esq.	Gary Ford, Esq., Lonie Hassel, Esq., Wendy Eber, Lester Eber, John Herbert, Esq. cc to Edward Hourihan, Esq.	Attorney Client Privilege/Attorney Work Product
EB-00026258	December 15, 2014	Electronic Mail	Harris Beach v. Eber	Edward Hourihan, Esq.	Ingrid Palermo, Esq., Joseph Nacca, Esq.	Attorney Client Privilege/Attorney Work Product
EB-00026258 – EB-00026259	December 15, 2014	Electronic mail	Harris Beach v. Eber	Wendy Eber	Edward Hourihan, Esq., John Herbert, Esq. cc to Lester Eber	Attorney Client Privilege
EB-00026260	December 15, 2014	Electronic mail	Harris Beach v. Eber	Wendy Eber	David Belt, Esq.	Attorney Client Privilege

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EB-00026260	December 14, 2014	Electronic mail	Harris Beach v. Eber	Edward Hourihan, Esq.	Lester Eber, Wendy Eber, John Herbert, Esq.	Attorney Client Privilege
EB-00026261 – EB-00026262	December 15, 2014	Electronic mail	Harris Beach v. Eber	W. Eber	Edward Hourihan, Esq., John Herbert, Esq.	Attorney Client Privilege
EB-00026263	December 15, 2014	Electronic mail	Harris Beach v. Eber	Wendy Eber	Edward Hourihan, Esq., John Herbert, Esq. cc to Lester Eber	Attorney Client Privilege
EB-00026263 – EB-00026264	December 15, 2014	Electronic mail	Harris Beach v. Eber	David Belt, Esq.	Wendy Eber	Attorney Client Privilege/Attorney Work Product
EB-00026264 – EB-00026265	December 14-15, 2014	Electronic mail	*duplicate of Bates EB-00026260	*duplicate of Bates EB-00026260	*duplicate of Bates EB-00026260	Attorney Client Privilege
EB-00026266	December 7, 2014	Electronic mail	Harris Beach v. Eber motions	Edward Hourihan, Esq.	Joseph Nacca, Esq., Ingrid Palermo, Esq., Julie Roth, Esq., Brian Laudadio, Esq.	Attorney Work Product
EB-00026266	December 7, 2014	Electronic mail	Harris Beach v. Eber motions	Edward Hourihan, Esq.	Joseph Nacca, Esq.	Attorney Work Product
EB-00026266	December 7, 2014	Electronic mail	Harris Beach v. Eber motions	Joseph Nacca, Esq.	Edward Hourihan, Esq.	Attorney Work Product
EB-00026267	August 11, 2014	Electronic mail	Fourth Department appeal Harris Beach v. Eber	Ingrid Palermo, Esq.	Edward Hourihan, Esq. cc to Cindy Raskopf	Attorney Work Product

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EB-00026267	August 11, 2014	Electronic mail	Fourth Department appeal Harris Beach v. Eber	David Hardy, Esq.	Ingrid Palermo, Esq. cc to Wendy Eber	Attorney Work Product
EB-00026268	April 25, 2014	Electronic mail	Harris Beach v. Eber	David Hardy, Esq.	Ingrid Palermo, Esq. cc to Wendy Eber	Attorney Client Privilege
EB-00026269 – EB-00026270	April 25, 2014	Electronic mail	Harris Beach v. Eber	Ingrid Palermo, Esq.	Edward Hourihan, Esq. cc to Cindy Raskopf	Attorney Client Privilege; Attorney Work Product
EB-00026271	April 25, 2014	Memorandum	Harris Beach v. Eber	Edward Hourihan, Esq.	Ingrid Palermo, Esq., Gregory McDonald, Esq., Joseph Nacca, Esq.	Attorney Work Product
EB-00026272	February 29, 2012	Electronic mail	Forwarding Paul Keneally, Esq. February 29, 2012 electronic mail, below	Wendy Eber	Janet Lissow	Attorney Client Privilege
EB-00026272 – EB-00026273	February 29, 2012	Electronic mail	Harris Beach v. Eber	Paul Keneally, Esq.	Wendy Eber, Lester Eber, Glenn Sturm, Esq. James Robertson, Esq., David Hardy, Esq. cc to William Brueckner, Esq. Rachel Bandych, Esq.	Attorney Client Privilege
EB-00026274	February 8, 2012	Electronic Mail	Harris Beach v. Eber	Marino Fernandez, Esq.	Janet Lissow cc to Wendy Eber	Attorney Client Privilege

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FW EB-00026275 – EB-00026279	January 31, 2012	Letter and Reply	Harris Beach v. Eber	Marino Fernandez, Esq.	Lester Eber	Attorney Client Privilege
EB-00026280	October 15, 2014	Electronic mail	Forwarding Joseph Nacca October 10, 2014 electronic mail, below	Edward Hourihan, Esq.	Cindy Raskopf	Attorney Work Product
EB-00026280 – EB-00026281	October 10, 2014	Electronic mail	Harris Beach v. Eber	Joseph Nacca, Esq.	Edward Hourihan, Esq.	Attorney Work Product
EB-00026282	October 15, 2014	Electronic mail	Forwarding Cindy Raskopf October 14, 2014 electronic mail, below	Edward Hourihan, Esq.	Cindy Raskopf	Attorney Work Product
EB-00026282	October 14, 2014	Electronic mail	Harris Beach v. Eber	Cindy Raskopf	Edward Hourihan, Esq., Ingrid Palermo, Esq., Joseph Nacca, Esq.	Attorney Work Product
EB-00026283	December 16, 2014	Electronic mail	Harris Beach v. Eber	Joseph Nacca, Esq.	Edward Hourihan, Esq. cc to Ingrid Palermo, Esq.	Attorney Work Product
EB-00026283 – EB-00026284	December 15, 2014	Electronic mail	Harris Beach v. Eber	Wendy Eber	Edward Hourihan, Esq. cc to John Herbert, Esq.	Attorney Client Privilege
EB-00026285	January 26, 2015	Electronic mail	Motion in Harris Beach v. Eber	Wendy Eber	Ingrid Palermo, Esq., John Herbert, Esq., Lester Eber, cc to Edward Hourihan, Esq.	Attorney Client Privilege

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EB-00026286	January 23, 2015	Electronic mail	Harris Beach v. Eber	Edward Hourihan, Esq.	Mary Moore, Esq., Ingrid Palermo, Esq., Joseph Nacca, Esq.	Attorney Work Product
EB-00026286	December 15, 2014	Electronic mail	Harris Beach v. Eber	Edward Hourihan, Esq.	Ingrid Palermo, Esq., Joseph Nacca, Esq.	Attorney Work Product
EB-00026286 – EB-00026288	December 15, 2014	Electronic mail	*duplicate of Bates EB-00026283 – EB00026284	*duplicate of Bates EB-00026283 – EB00026284	*duplicate of Bates EB-00026283 – EB00026284	Attorney Client Privilege
F EB-00026289	December 15, 2014	Electronic mail	Eber Bank Agreement	John Herbert, Esq.	Edward Hourihan, Esq., cc to Wendy Eber	Attorney Client Privilege
EB-00026290	March 25, 2016	Handwritten strategy notes	Harris Beach v. Eber	Bond, Schoeneck & King PLLC	Bond, Schoeneck & King PLLC	Attorney Work Product
EB-00026291	January 5, 2016	Handwritten strategy notes	Harris Beach v. Eber	Bond, Schoeneck & King PLLC	Bond, Schoeneck & King PLLC	Attorney Work Product
EB-00026292	January 4, 2016	Handwritten strategy notes	Harris Beach v. Eber	Bond, Schoeneck & King PLLC	Bond, Schoeneck & King PLLC	Attorney Work Product
EB-00026293	Undated	Confidential Settlement Calculation	Harris Beach v. Eber	Bond, Schoeneck & King PLLC	Bond, Schoeneck & King PLLC	Attorney Work Product

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Eber Defendants' Privilege Log 6/6/2018 Production

	<u>Bates Number</u>	<u>Date of Document</u>	<u>Type of Document</u>	<u>General Subject Matter</u>	<u>Author(s)</u>	<u>Addressee(s)</u>	<u>Reason Document Withheld From Disclosure</u>
NL F J	EB-00026612 – EB-00026626	5/31/2012	Electronic mail with attachment	L. Eber loan balance and EBWLC outstanding liabilities	W. Eber	E. Gumaer, Esq. L. Eber	Attorney Client Privilege
NL	EB-00026627	12/14/2010	Electronic mail	Eber Bros. Retirement Plan	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
F	EB-00026627 – EB-00026628	12/13/2010	Electronic mail	Eber Bros. Retirement Plan	D. Mehalick, Esq.	W. Eber	Attorney Client Privilege
NL F	EB-00026629	2/26/2010	Electronic mail	EBWLC bank loan documents	W. Eber	L. Eber, E. Gumaer, Esq. cc to G. Sturm, Esq.	Attorney Client Privilege
NL	EB-00026629	2/26/2010	Electronic mail	Forwarding 2/23/2010 electronic mail, below	W. Eber	W. Eber	Attorney Client Privilege
F	EB-00026629 – EB-00026630	2/23/2010	Electronic mail	EBWLC bank loan documents	S. Park, Esq.	W. Eber, cc to W. Gaines, Esq., P. Byrd, Esq., G. Sturm, Esq.	Attorney Client Privilege
F	EB-00026631	12/17/2009	Electronic mail	CNB loan	W. Eber	P. Dalton, Esq., E. Gumaer, Esq., L. Eber, Esq.	Attorney Client Privilege
F	EB-00026631	12/17/2009	Electronic mail	CNB loan	P. Dalton, Esq.	E. Gumaer, Esq., L. Eber, W. Eber	Attorney Client Privilege
F	EB-00026631	12/17/2009	Electronic mail	CNB loan	E. Gumaer, Esq.	L. Eber, P. Dalton, Esq.,	Attorney Client Privilege

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						W. Eber	
F	EB-00026631 – EB-00026632	12/17/2009	Electronic mail	CNB loan	L. Eber	P. Dalton, Esq., E. Gumaer, Esq., W. Eber	Attorney Client Privilege
MLFW	EB-00026633	3/12/2012	Electronic mail	EBWLC document draft	W. Eber	E. Gumaer, Esq., cc to L. Eber	Attorney Client Privilege
LF	EB-00026633	3/12/2012	Electronic mail	EBWLC document draft	M. Parker (Paralegal at Underberg & Kessler LLP)	W. Eber, cc to L. Eber, P. Keneally, Esq., E. Russell, Esq.	Attorney Client Privilege
LF	EB-00026633	3/12/2012	Electronic mail	EBWLC document draft	W. Eber	M. Parker, cc to L. Eber	Attorney Client Privilege
FW	EB-00026634	3/2/2012	Electronic mail	EBWLC document draft	M. Parker	W. Eber, cc to P. Keneally, Esq., E. Russell, Esq.	Attorney Client Privilege
FW	EB-00026634	3/2/2012	Electronic mail	EBWLC document draft	W. Eber	M. Parker, cc to P. Keneally, Esq., E. Russell, Esq.	Attorney Client Privilege
FW	EB-00026634 – EB-00026636	3/2/2012	Electronic mail	EBWLC document draft	M. Parker	W. Eber, cc to P. Keneally, Esq., E. Russell, Esq.	Attorney Client Privilege
FW	EB-00026637	2/2012	Written Consent	EBWLC document draft	Underberg & Kessler LLP	W. Eber, P. Keneally, E. Russell	Attorney Client Privilege
MLFW	EB-00026638	10/13/2015	Electronic mail	Legal advice regarding PBGC	W. Eber	E. Gumaer	Attorney Client Privilege
MLFW	EB-00026638	10/6/2015	Electronic mail	Legal advice regarding PBGC	W. Eber	E. Gumaer	Attorney Client Privilege
FW	EB-00026638	9/25/2015	Electronic mail	Legal advice regarding PBGC	I. Palermo, Esq.	W. Eber, J. Herbert, Esq., cc to E. Hourihan,	Attorney Client Privilege

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						Esq., M. Kreps, Esq.	
F	EB-00026638 – EB-00026639	undated	Electronic mail	Legal advice regarding PBGC	C. Johnson, Esq.	I. Palermo, Esq.	Attorney Client Privilege
F	EB-00026640 – EB-00026642	4/20/2018	Memorandum	Legal Advice regarding PBGC	I. Palermo, Esq. C. Johnson, Esq.	EBWLC	Attorney Client Privilege
NL F W	EB-00026643	7/2/2013	Electronic mail	Legal Advice regarding PBGC	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
F W	EB-00026643 – EB-00026644	7/2/2013	Electronic Mail	Legal Advice regarding PBGC	T. Gigot, Esq.	W. Eber, cc to G. Ford, Esq. , J. Herbert, Esq.	Attorney Client Privilege
NL W F	EB-00026645	12/13/2012	Electronic mail	CNB document	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL W F	EB-00026646	12/13/2012	Electronic mail	CNB document	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
W	EB-00026647 – EB-00026648	11/7/2012	Letter	Alexbay case	M. Beyma, Esq.	W. Eber, G. Sturm, Esq., cc to P. Keneally, Esq.	Attorney Client Privilege
F	EB-00026649	7/31/2012	Electronic mail	Teamsters Union	W. Eber	V. DeBella, Esq.	Attorney Client Privilege
NL F W	EB-00026650	6/7/2012	Electronic mail	EBWLC draft document	W. Eber	E. Gumaer, Esq. cc to J. Lissow	Attorney Client Privilege
F W	EB-00026650	6/6/2012	Electronic mail	EBWLC draft document	M. McHugh (Admin. Assistant at Underberg Kessler LLP)	W. Eber, L. Eber, G. Sturm, Esq., D. Belt, Esq., cc to S. Gersz, Esq., P. Keneally, Esq., M. Beyma, Esq.	Attorney Client Privilege
F W	EB-00026651	3/12/2012	Electronic mail	L. Eber Affidavit	W. Eber	W. Brueckner, Esq., cc to E. Gumaer, L. Eber	Attorney Client Privilege

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W	EB-00026651	3/12/2012	Electronic mail	L. Eber Affidavit	W. Brueckner, Esq.	L. Eber, cc to W. Eber, G. Sturm, Esq., P. Keneally, Esq.	Attorney Client Privilege
NL	EB-00026652	3/13/2012	Electronic mail	Alexbay case	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
F	EB-00026653	5/28/2010	Electronic mail	Eber CT	W. Eber	P. Dalton, Esq., cc to J. Runke, Esq.	Attorney Client Privilege
NL	EB-00026653	5/26/2010	Electronic mail	Eber Ct	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
F	EB-00026653	5/26/2010	Electronic mail	Eber CT	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL	EB-00026653	5/26/2010	Electronic mail	Eber CT	G. Sturm, Esq.	T. Gigot, Esq., cc to W. Eber	Attorney Client Privilege
F	EB-00026654	5/26/2010	Memorandum	Eber CT	G. Sturm, Esq.	P. Dalton, Esq., cc to W. Eber, L. Eber	Attorney Client Privilege/Attorney Work Product
NL	EB-00026655	3/9/2010	Electronic mail	CNB	W. Eber	E. Gumaer, Esq., cc to L. Eber	Attorney Client Privilege
F	EB-00026655	3/9/2010	Electronic mail	CNB	E. Gumaer, Esq.	W. Eber, cc to L. Eber	Attorney Client Privilege
NL	EB-00026656	05/20/2014	Electronic mail	Harris Beach v. Eber	L. Eber	W. Eber	Attorney Client Privilege
F	EB-00026656	5/20/2014	Electronic mail	Harris Beach v. Eber	D. Hardy, Esq.	W. Eber L. Eber	Attorney Client Privilege
NL	EB-00026657	10/25/2012	Electronic mail	D4 v. Eber	L. Eber	S. Carling, Esq., W. Eber, P. Keneally, Esq.	Attorney Client Privilege
F	EB-00026657	10/25/2012	Electronic mail	D4 v. Eber	S. Carling, Esq.	W. Eber,	Attorney Client

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Eber Defendants' Privilege Log 6/6/2018 Production

					P. Keneally, Esq., cc to L. Eber	Privilege
EB-00026657 – EB-00026658	10/25/2012	Electronic mail	D4 v. Eber	W. Eber	S. Carling, Esq., P. Keneally, Esq., cc to L. Eber	Attorney Client Privilege
EB-00026659	10/1/2013	Electronic mail	Benderson v. Eber	L. Eber	W. Eber	Attorney Client Privilege
EB-00026659	10/1/2013	Electronic mail	Benderson v. Eber	W. Eber	L. Eber, P. Keneally, Esq.	Attorney Client Privilege
EB-00026659	10/1/2013	Electronic mail	Benderson v. Eber	L. Eber	W. Eber, P. Keneally, Esq.	Attorney Client Privilege
EB-00026659	10/1/2013	Electronic mail	Benderson v. Eber	W. Eber	P. Keneally, Esq., L. Eber	Attorney Client Privilege
EB-00026659	10/1/2013	Electronic mail	Benderson v. Eber	P. Keneally, Esq.	W. Eber, L. Eber	Attorney Client Privilege
EB-00026660	10/25/2012	Electronic mail	D4 v. Eber	L. Eber	S. Carling, Esq., W. Eber, cc to P. Keneally, Esq.	Attorney Client Privilege
EB-00026660	10/25/2012	Electronic mail	D4 v. Eber	S. Carling, Esq.	W. Eber, L. Eber, cc to P. Keneally, Esq.	Attorney Client Privilege
EB-00026661	6/1/2012	Electronic mail	Alexbay case	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00026661 – EB-00026662	5/24/2012	Electronic mail	Alexbay case	D. Derwoyed (Admin. Assistant at Underberg & Kessler LLP)	L. Eber, W. Eber, cc to P. Keneally, Esq.	Attorney Client Privilege
EB-00026663	5/24/2012	Electronic mail	Alexbay case	L. Eber	W. Eber	Attorney Client

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Eber Defendants' Privilege Log 6/6/2018 Production

							Privilege
M	EB-00026644	1/20/2012	Electronic mail	D4 v. Eber	L. Eber	W. Eber	Attorney Client Privilege
NL	EB-00026664	1/20/2012	Electronic mail	D4 v. Eber	W. Eber	L. Eber	Attorney Client Privilege
C	EB-00026664	1/20/2012	Electronic mail	D4 v. Eber	P. Keneally, Esq.	W. Eber, L. Eber, G. Sturm, Esq., cc to B. Brueckner, Esq.	Attorney Client Privilege
NL	EB-00026665	1/30/2012	Electronic mail	D4 v. Eber	L. Eber	W. Eber	Attorney Client Privilege
C	EB-00026665	1/30/2012	Electronic mail	D4 v. Eber	W. Eber	P. Keneally, Esq., G. Sturm, Esq., L. Eber, cc to S. Carling, Esq.	Attorney Client Privilege
	EB-00026665	1/30/2012	Electronic mail	D4 v. Eber	P. Keneally, Esq.	W. Eber, G. Sturm, Esq., L. Eber, cc to S. Carling, Esq.	Attorney Client Privilege
NL	EB-00026666	12/29/2011	Electronic mail	Harris Beach v. Eber	L. Eber	W. Eber	Attorney Client Privilege
C	EB-00026666	12/29/2011	Electronic mail	Harris Beach v. Eber	W. Eber	D. Hardy, Esq., cc to L. Eber	Attorney Client Privilege
C	EB-00026666	12/29/2011	Electronic mail	Harris Beach v. Eber	L. Eber	G. Sturm, Esq., W. Eber	Attorney Client Privilege
C	EB-00026666	12/29/2011	Electronic mail	Harris Beach v. Eber	J. Lissow	L. Eber	Attorney Client Privilege
F	EB-00026667	12/9/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	L. Eber	P. Keneally, Esq. W. Eber, J. Roberston, Jr., Esq., D. Hardy,	Attorney Client Privilege

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					Esq., G. Sturm, Esq. cc to S. Carling, Esq.	
CF	EB-00026667	12/9/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq. W. Eber, J. Robertston, Jr., Esq., D. Hardy, Esq., G. Sturm, Esq. cc to S. Carling, Esq.	Attorney Client Privilege
CF	EB-00026668	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	L. Eber P. Keneally, Esq., W. Eber, L. Eber G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
CF	EB-00026668	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq. W. Eber, L. Eber G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
CF	EB-00026668	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	W. Eber P. Keneally, Esq., L. Eber G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
CF	EB-00026668 – EB- 00026669	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq. W. Eber, L. Eber G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
CF	EB-00026669	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	W. Eber P. Keneally, Esq., L. Eber G. Sturm, Esq.,	Attorney Client Privilege

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					D. Hardy, Esq.	
EB-00026669	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	G. Sturm, Esq.	P. Keneally, Esq., L. Eber W. Eber, D. Hardy, Esq.	Attorney Client Privilege
EB-00026669	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	W. Eber	P. Keneally, Esq., L. Eber G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
EB-00026669 – EB-00026670	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq.	W. Eber, L. Eber G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
EB-00026670	12/12/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	L. Eber	P. Keneally, Esq.	Attorney Client Privilege
EB-00026670	12/11/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq.	L. Eber	Attorney Client Privilege
EB-00026670	12/11/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	L. Eber	P. Keneally, Esq.	Attorney Client Privilege
EB-00026670 – EB-00026671	12/10/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq.	W. Eber, L. Eber J. Robertson, Jr. Esq., G. Sturm, Esq., D. Hardy, Esq., cc to S. Carling, Esq.	Attorney Client Privilege
EB-00026671	12/9/2011	Electronic mail	Harris Beach v.	L. Eber	P. Keneally, Esq.,	Attorney Client

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			Eber D4 v. Eber		W. Eber, J. Robertson, Jr. Esq., G. Sturm, Esq., D. Hardy, Esq.	Privilege
EB-00026671 -- EB- 00026674	12/9/2011	Electronic mail	Harris Beach v. Eber D4 v. Eber	P. Keneally, Esq.	W. Eber, L. Eber J. Robertson, Jr. Esq., G. Sturm, Esq., D. Hardy, Esq., cc to S. Carling, Esq.	Attorney Client Privilege
EB-00026675	11/30/2011	Electronic mail	D4 v. Eber	L. Eber	S. Carling, Esq., P. Keneally, Esq., W. Eber, cc to G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
EB-00026675	11/30/2011	Electronic mail	D4 v. Eber	S. Carling, Esq.	P. Keneally, Esq., W. Eber, L. Eber, cc to G. Sturm, Esq., D. Hardy, Esq.	Attorney Client Privilege
EB-00026676	4/2/2010	Electronic mail	Eber Bros. Confidentiality Agreement	L. Eber	S. Park, Esq., W. Eber, cc to G. Sturm, Esq., P. Byrd, Esq.	Attorney Client Privilege
EB-00026676	4/2/2010	Electronic mail	Eber Bros. Confidentiality Agreement	S. Park, Esq.	W. Eber, cc to G. Sturm, Esq., L. Eber,	Attorney Client Privilege

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						P. Byrd, Esq.	
F	EB-00026676 – EB-00026677	4/2/2010	Electronic mail	Eber Bros. Confidentiality Agreement	W. Eber	S. Park, Esq., cc to G. Sturm, Esq., L. Eber	Attorney Client Privilege
	EB-00026678	5/20/2009	Electronic mail	CNB	L. Eber	W. Eber	Attorney Client Privilege
	EB-00026678	5/20/2009	Electronic mail	CNB	P. Dalton	L. Eber, W. Eber	Attorney Client Privilege
NL W	EB-00026679	3/28/2010	Electronic mail	Loan with CNB	W. Eber	E. Gumaer, Esq. cc to L. Eber	Attorney Client Privilege
NL W	EB-00026679	3/21/2010	Electronic mail	Attorney retention decision	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
NL W	EB-00026679	3/21/2010	Electronic mail	Draft letter to S. Kleeberg	W. Eber	L. Eber, cc to E. Gumaer, Esq.	Attorney Client Privilege
NL W	EB-00026679 – EB-00026680	3/20/2010	Electronic mail	Draft letter to S. Kleeberg	G. Sturm, Esq.	W. Eber	Attorney Client Privilege
NL W	EB-00026681	10/22/2010	Electronic mail	Draft letter to S. Kleeberg	E. Gumaer, Esq.	L. Eber	Attorney Client Privilege
NL W	EB-00026682	9/16/2011	Electronic mail	Trust meeting	L. Eber	W. Eber, G. Sturm, Esq.	Attorney Client Privilege
NL W	EB-00026682	9/16/2011	Electronic mail	Trust meeting	W. Eber	L. Eber, G. Sturm, Esq.	Attorney Client Privilege
NL	EB-00026683	12/17/2009	Electronic mail	CNB	L. Eber	W. Eber	Attorney Client Privilege
W F	EB-00026683	12/17/2009	Electronic mail	CNB	P. Dalton, Esq.	E. Gumaer, Esq., L. Eber, W. Eber	Attorney Client Privilege
W F	EB-00026683	12/17/2009	Electronic mail	CNB	E. Gumaer, Esq.	L. Eber, P. Dalton, Esq. W. Eber	Attorney Client Privilege
W	EB-00026683	12/17/2009	Electronic mail	CNB	L. Eber	E. Gumaer, Esq.,	Attorney Client

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Eber Defendants' Privilege Log 6/6/2018 Production

					P. Dalton, Esq., W. Eber	Privilege
EB-00026684	6/15/2015	Electronic mail	PBGC litigation	L. Eber	W. Eber	Attorney Client Privilege
EB-00026684	6/12/2015	Electronic mail	PBGC litigation	W. Eber	L. Hassel, Esq., E. Fry, E. Hourihan, Esq. cc to I. Palermo, Esq., L. Eber, J. Herbert, Esq., G. Ford, Esq.	Attorney Client Privilege
EB-00026684	6/12/2015	Electronic mail	PBGC litigation	L. Hassel, Esq.	E. Fry, E. Hourihan, Esq. cc to I. Palermo, Esq., L. Eber, J. Herbert, Esq., G. Ford, Esq., W. Eber	Attorney Client Privilege
EB-00026684 EB-00026685	6/12/2015	Electronic mail	PBGC litigation	E. Fry	E. Hourihan, cc to L. Hassel, Esq., W. Eber, I. Palermo, L. Eber, J. Herbert, Esq., G. Ford	Attorney Client Privilege
EB-00026685	6/12/2015	Electronic mail	PBGC litigation	E. Hourihan	L. Hassel, Esq., E. Fry, W. Eber, I. Palermo, Esq., L. Eber, J. Herbert, Esq., G. Ford, Esq.	Attorney Client Privilege
EB-00026685 – EB-00026686	6/12/2015	Electronic mail	PBGC litigation	L. Hassel, Esq.	E. Fry, E. Hourihan, Esq. cc to I. Palermo, Esq., L.	Attorney Client Privilege

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Eber Defendants' Privilege Log 6/6/2018 Production

					Eber, J. Herbert, Esq., G. Ford, Esq., W. Eber	
EB-00026686	6/12/2015	Electronic mail	PBGC litigation	E. Hourihan	W. Eber, G. Ford, Esq. cc to L. Hassel, Esq., E. Fry, I. Palermo, Esq., L. Eber, J. Herbert, Esq.	Attorney Client Privilege
EB-00026686 – EB-00026687	6/11/2015	Electronic mail	PBGC litigation	G. Ford, Esq.	W. Eber, cc to E. Hourihan, Esq., L. Hassel, Esq., E. Fry, I. Palermo, Esq., L. Eber, J. Herbert, Esq.	Attorney Client Privilege
EB-00026687	6/11/2015	Electronic mail	PBGC litigation	W. Eber	L. Hassel, Esq., E. Fry, E. Hourihan, Esq., I. Palermo, Esq., L. Eber, J. Herbert, Esq., G. Ford, Esq.	Attorney Client Privilege
EB-00026687	6/11/2015	Electronic mail	PBGC litigation	E. Hourihan	I. Palermo, Esq., L. Hassel, Esq. cc to W. Eber, G. Ford, Esq., E. Fry, L. Eber, J. Herbert, Esq.	Attorney Client Privilege
EB-00026687 EB-00026688	6/11/2015	Electronic mail	PBGC litigation	L. Hassel, Esq.	E. Hourihan, Esq., I. Palermo, Esq. cc to E. Fry, L. Eber,	Attorney Client Privilege

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					J. Herbert, Esq., G. Ford, Esq., W. Eber	
EB-00026688	6/11/2015	Electronic mail	PBGC litigation	I. Palermo, Esq.	E. Hourihan, Esq., L. Hassel, Esq., cc to E. Fry, L. Eber, J. Herbert, Esq., G. Ford, Esq., W. Eber	Attorney Client Privilege
EB-00026688 - EB-00026689	6/11/2015	Electronic mail	PBGC litigation	L. Hassel, Esq.	E. Hourihan, Esq., cc to I. Palermo, Esq., E. Fry, L. Eber, J. Herbert, Esq., G. Ford, Esq., W. Eber	Attorney Client Privilege
EB-00026689	6/11/2015	Electronic mail	PBGC litigation	E. Hourihan	I. Palermo, Esq., L. Hassel, Esq., W. Eber, G. Ford, Esq., E. Fry, L. Eber, J. Herbert, Esq.	Attorney Client Privilege
EB-00026690	12/30/2011	Electronic mail	Harris Beach v. Eber	L. Eber	M. Fernandez, Esq., cc to W. Eber	Attorney Client Privilege
EB-00026691	1/28/2008	Electronic mail	CNB	L. Eber	W. Eber	Attorney Client Privilege
EB-00026691	1/28/2008	Electronic mail	CNB	D. Dean	L. Eber, W. Eber, cc to P. Dalton, Esq.	Attorney Client Privilege
EB-00026692	11/9/2007	Electronic mail	HSBC	L. Eber	W. Eber, P.	Attorney Client

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						Dalton, Esq.	Privilege
C NL	EB-00026693	12/5/2011	Electronic mail	CNB	W. Eber	L. Eber	Attorney Client Privilege
W NL	EB-00026693	12/5/2011	Electronic mail	CNB	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
C U F	EB-00026693	12/5/2011	Electronic mail	CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL C W F	EB-00026694	12/8/2011	Electronic mail	CNB	W. Eber	E. Gumaer, Esq., cc to L. Eber	Attorney Client Privilege
	EB-00026695	12/4/2011	Electronic mail	CNB	G. Sturm, Esq.	L. Eber, cc to W. Eber	Attorney Client Privilege
NL C W F	EB-00026695	12/2/2011	Electronic mail	CNB	L. Eber	G. Sturm, Esq.	Attorney Client Privilege
W NL	EB-00026696	9/16/2011	Electronic mail	Trustee Meeting	L. Eber	W. Eber, G. Sturm, Esq.	Attorney Client Privilege
NL W	EB-00026696	9/16/2011	Electronic mail	Trustee Meeting	W. Eber	G. Sturm, Esq., cc to L. Eber	Attorney Client Privilege

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	<u>Bates Number</u>	<u>Date of Document</u>	<u>Type of Document</u>	<u>General Subject Matter</u>	<u>Author(s)</u>	<u>Addressee(s)</u>	<u>Reason Document Withheld From Disclosure</u>	
NL	EB-00031198	7/28/2015	Electronic mail	Legal advice regarding Eber-CT	W. Eber	L. Eber	Attorney Client Privilege	X
NL	EB-00031198	7/27/2015	Electronic mail	Legal advice regarding Eber-CT	W. Eber	L. Eber	Attorney Client Privilege	X
NL W F	EB-00031199	3/9/2012	Electronic mail	Legal advice regarding Eber-CT	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	
NL W F	EB-00031200	3/8/2012	Electronic mail	Legal advice regarding Eber-CT	W. Eber	E. Gumaer, Esq., cc to L. Eber	Attorney Client Privilege	X
NL W F	EB-00031201	3/2/2012	Electronic mail	Legal advice regarding Eber-CT	L. Eber	E. Gumaer, Esq., cc to W. Eber	Attorney Client Privilege	
NL W F	EB-00031202	1/10/2013	Electronic mail	Legal advice regarding Eber Bros.	L. Eber	W. Eber, E. Gumaer, Esq.	Attorney Client Privilege	
NL W F	EB-00031202	1/10/2013	Electronic mail	Legal advice regarding Eber Bros.	W. Eber	L. Eber, E. Gumaer, Esq.	Attorney Client Privilege	X
NL W F	EB-00031203	11/9/2013	Electronic mail	Legal advice regarding Eber Bros.	E. Gumaer, Esq.	W. Eber, L. Eber	Attorney Client Privilege	X
NL W F	EB-00031204	1/4/2010	Electronic mail	Legal advice regarding financials	W. Eber	P. Dalton, Esq., cc L. Eber	Attorney Client Privilege	
NL W F	EB-00031205	10/22/2010	Electronic mail	Legal advice regarding draft letter	E. Gumaer, Esq.	L. Eber	Attorney Client Privilege	
NL W F	EB-00031206	10/27/2010	Electronic mail	Legal advice regarding draft letter	E. Gumaer, Esq.	J. Lissow, cc. L. Eber	Attorney Client Privilege	

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EB-00031207	11/18/2010	Electronic mail	Legal advice regarding draft letter	E. Gumaer, Esq.	L. Eber	Attorney Client Privilege
EB-00031208	12/10/2010	Electronic mail	Legal advice regarding draft letter	E. Gumaer, Esq.	L. Eber	Attorney Client Privilege
EB-00031208	12/10/2010	Electronic mail	Legal advice regarding draft letter	L. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031209	1/31/2010	Electronic mail	Legal advice regarding financials	L. Eber	E. Gumaer, Esq., cc W. Eber	Attorney Client Privilege
EB-00031210	11/22/2013	Electronic mail	Legal advice regarding EBWLC stock	E. Gumaer, Esq.	L. Eber, cc. to W. Eber	Attorney Client Privilege
EB-00031210	11/22/2013	Electronic mail	Legal advice regarding EBWLC stock	L. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031210	11/22/2013	Electronic mail	Legal advice regarding EBWLC stock	W. Eber	E. Gumaer, Esq., cc. to L. Eber	Attorney Client Privilege
EB-00031210	11/21/2013	Electronic mail	Legal advice regarding EBWLC stock	E. Gumaer, Esq.	W. Eber, cc to L. Eber	Attorney Client Privilege
EB-00031211	11/18/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031211	11/18/2013	Electronic mail	Legal advice regarding CNB	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031211	11/18/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031211	11/8/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege

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	EB-00031212	6/7/2017	Electronic mail	Legal advice regarding Surrogate's Court matter	W. Eber	J. Vazzana, Esq.	Attorney Client Privilege
NL W	EB-00031213	11/19/2012	Electronic mail	Legal advice regarding bank Amortization Schedule	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
W F C	EB-00031214	3/12/2012	Electronic mail	Legal advice regarding bank loan	W. Eber	M. Fernandez, Esq., E. Gumaer, Esq.	Attorney Client Privilege
NL W F	EB-00031215	12/15/2010	Electronic mail	Legal advice regarding amendment	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL W F	EB-00031216 – EB-00031217	12/14/2010	Electronic mail	Legal advice regarding EBWLC board document	W. Eber	L. Eber, E. Gumaer, Esq.	Attorney Client Privilege
NL W	EB-00031218	9/17/2010	Electronic mail	Legal advice regarding L. Eber letters	W. Eber	E. Gumaer, Esq., cc G. Sturm, Esq.	Attorney Client Privilege
NL W	EB-00031219	9/17/2010	Electronic mail	Legal advice regarding L. Eber letters	W. Eber	E. Gumaer, Esq., cc G. Sturm, Esq.	Attorney Client Privilege
NL W F	EB-00031220 – EB-00031224	7/29/2010	Electronic mail	Legal advice regarding Eber Bros. document draft	W. Eber	E. Gumaer, Esq., cc to L. Eber	Attorney Client Privilege
NL W F	EB-00031225	3/24/2010	Electronic mail	Legal advice regarding draft letters	W. Eber	E. Gumaer, cc L. Eber	Attorney Client Privilege
NL W F	EB-00031225	3/24/2010	Electronic mail	Legal advice regarding draft letters	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege

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Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.

United States District Court for the Southern District

Civ. Action No.: 16-cv-9517(LAK)

Eber Defendants' Privilege Log 7/12/2018 Production

EB-00031225	3/24/2010	Electronic mail	Legal advice regarding draft letters	E. Gumaer, Esq.	L. Eber	Attorney Client Privilege
EB-00031226 – EB-00031227	3/4/2010	Electronic mail	Legal advice regarding Eber Bros. draft documents	W. Eber	L. Eber, E. Gumaer, Esq., cc G. Sturm, Esq.	Attorney Client Privilege
EB-00031228	2/10/2010	Electronic mail	Legal advice regarding First Republic	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031228	2/10/2010	Electronic mail	Legal advice regarding First Republic	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031228	2/10/2010	Electronic mail	Legal advice regarding First Republic	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
EB-00031228 – EB-00031229	2/8/2010	Electronic mail	Legal advice regarding First Republic	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031230	12/2/2009	Electronic mail	Legal advice regarding L. Eber letter	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031230 – EB-00031231	12/1/2009	Electronic mail	Legal advice regarding L. Eber letter	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031232 – EB-00031238	11/27/2009	Electronic mail	Legal advice regarding Eber Bros. draft document	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031239	4/1/2010	Electronic mail	Directors & Officers Insurance legal advice	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege

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Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.

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EB-00031239	3/31/2010	Electronic mail	Directors & Officers Insurance legal advice	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031239	3/31/2010	Electronic mail	Directors & Officers Insurance legal advice	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031239 – EB-00031240	3/30/2010	Electronic mail	Directors & Officers Insurance legal advice	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031241	12/5/2011	Electronic mail	Legal advice regarding CNB proposal	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031241	12/5/2011	Electronic mail	Legal advice regarding CNB proposal	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031242	8/20/2014	Electronic mail	Legal advice regarding Eber estates	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031242	8/18/2014	Electronic mail	Legal advice regarding Eber estates	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031243	8/15/2013	Electronic mail	Legal advice regarding CNB, pension and finances	E. Gumaer, Esq.	W. Eber, L. Eber	Attorney Client Privilege
EB-00031244	7/29/2013	Electronic mail	Legal advice regarding CNB	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031245	6/27/2013	Electronic mail	Legal advice regarding CNB	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031245	6/27/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031246	12/13/2012	Electronic mail	Legal advice regarding CNB	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege

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NL W	EB-00031247	2/17/2012	Electronic mail	Legal advice regarding Pension Plan	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
NL W	EB-00031247	2/17/2012	Electronic mail	Legal advice regarding Pension Plan	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
NL W	EB-00031247	2/15/2012	Electronic mail	Legal advice regarding Pension Plan	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
F	EB-00031248	2/14/2012	Electronic mail	Legal advice regarding Pension Plan	S. Kornreich, Esq.	W. Eber	Attorney Client Privilege
NL W	EB-00031249 CF	12/19/2011	Electronic mail	Legal advice regarding tax	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
NL W	EB-00031250 CF	12/12/2011	Electronic mail	Legal advice regarding CNB	W. Eber	G. Sturm, Esq., E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
NL W	EB-00031251 CF	12/8/2011	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
NL W	EB-00031252	10/13/2011	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
NL W	EB-00031253 – EB-00031259	2/29/2016	Electronic mail	Legal advice regarding Eber-CT draft documents	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL W	EB-00031260 – EB-00031263	10/13/2015	Electronic mail	Legal advice regarding EBWLC draft documents	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL W	EB-00031264	10/8/2015	Electronic mail	Legal advice regarding EBWLC draft documents	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL W	EB-00031265 – EB-00031268	4/1/2014	Electronic mail	Legal advice regarding EBWLC draft documents	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege

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NL W C	EB-00031269	12/10/2013	Electronic mail	Legal advice regarding letter	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	X
NL W C	EB-00031269	11/18/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege	
NL W C	EB-000312710	11/22/2013	Electronic mail	Legal advice regarding EBWLC stock	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege	
NL W C	EB-00031270	11/21/2013	Electronic mail	Legal advice regarding EBWLC stock	E. Gumaer, Esq.	W. Eber, cc L. Eber	Attorney Client Privilege	
NL W C	EB-00031270	11/18/2013	Electronic mail	Legal advice regarding CNB statement	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	
NL W C	EB-00031270	11/18/2013	Electronic mail	Legal advice regarding CNB	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege	
NL W C	EB-00031271	11/18/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	
NL W C	EB-00031271 – EB-00031272	11/8/2013	Electronic mail	Legal advice regarding CNB	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	
NL W C	EB-00031273	6/27/2013	Electronic mail	Legal advice regarding Webster Bank draft document	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	
NL W C	EB-00031274	5/16/2013	Electronic mail	Legal advice regarding legal fees	W. Eber	G. Sturm, Esq.	Attorney Client Privilege	
NL W C	EB-00031274	5/7/2013	Electronic mail	Legal advice regarding legal fees	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege	X
NL W C	EB-00031275	2/15/2013	Electronic mail	Legal advice regarding CNB loan/resolutions	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege	

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EB-00031275	2/14/2013	Electronic mail	Legal advice regarding CNB loan/resolutions	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031275	2/14/2013	Electronic mail	Legal advice regarding CNB loan/resolutions	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031275	2/14/2013	Electronic mail	Legal advice regarding CNB loan/resolutions	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
EB-00031275 – EB-00031276	2/12/2013	Electronic mail	Legal advice regarding CNB loan/resolutions	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031276 – EB-00031277	1/28/2013	Electronic mail	Legal advice regarding CNB loan/resolutions	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031278	12/21/2012	Electronic mail	Legal advice regarding CNB loan	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
EB-00031279	12/13/2012	Electronic mail	Legal advice regarding security agreement	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031280	11/21/2012	Electronic mail	Legal advice regarding legal fees	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031281	11/19/2012	Electronic mail	Legal advice regarding CNB loan documents	W. Eber	E. Gumaer, Esq., cc L. Eber	Attorney Client Privilege
EB-00031282	3/14/2012	Electronic mail	Legal advice regarding CNB loan	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
EB-00031283	1/31/2013	Electronic mail	Legal advice regarding CNB loan	W. Eber	M. Beyma, Esq.	Attorney Client Privilege

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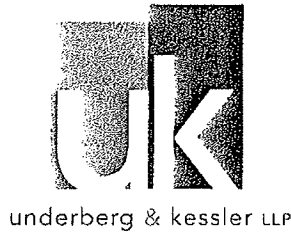
Civ. Action No.: 16-cv-9517(LAK)

Eber Defendants' Privilege Log 7/12/2018 Production

NL W	EB-00031283	1/31/2013	Electronic mail	Legal advice regarding CNB loan	E. Gumaer, Esq.	W. Eber	Attorney Client Privilege
NL W	EB-00031283	1/28/2013	Electronic mail	Legal advice regarding CNB loan	W. Eber	E. Gumaer, Esq.	Attorney Client Privilege
NL W F	EB-00031284	4/10/2012	Electronic mail	Legal advice regarding Eber Bros. Board Meeting Minutes	W. Eber	M. Fernandez, Esq., E. Gumaer, Esq., L. Eber	Attorney Client Privilege

EXHIBIT

“B”



PAUL F. KENEALLY, PARTNER
(585) 258-2882
pkeneally@underbergkessler.com

May 20, 2011

VIA EMAIL (w.eber@eberbrothers.com) and
FIRST CLASS MAIL

Eber Brothers Wine and Liquor Corp.
c/o Mr. Lester Eber &
Ms. Wendy Eber
95 Allens Creek Road, Bldg. 2, Suite 10
Rochester, NY 14618

Re: Engagement of Underberg & Kessler LLP

Dear Lester and Wendy:

We are pleased that Eber Brothers Wine and Liquor Corp. ("Eber") has chosen Underberg & Kessler LLP as counsel to provide legal services to the Company in the D4 litigation. Eber may have additional legal needs in the future; some may arise in the course of representing Eber on this matter. We will be glad to discuss representing Eber on these other matters, as the need for additional work arises.

The purpose of this letter is to confirm our engagement, as required by court rules to which we are subject. Absent any special arrangements made, all legal work done by us will be on the terms and conditions set forth in this letter.

I will be primarily responsible for handling your representation. When questions or comments arise about our services, staffing, billing or other aspects of our representation, please contact me or, if I am not immediately available, my assistant, Sue Bell. My direct telephone number is (585) 258-2882; my email is pkeneally@underbergkessler.com. Ms. Bell's direct line is (585) 258-2807 and her email is sbell@underbergkessler.com. It is important that Eber and its officers are satisfied with our services and responsiveness at all times.

Our general billing practices, an explanation of how attorney's fees are usually charged, and our policies in connection with expenses are outlined in the "Statement of Billing Policies" which is attached as Appendix A.

Eber may terminate our representation in any matter at any time. We have the same right, subject to our obligation to give you reasonable notice to arrange alternative representation and to the direction of any court involved in the matter. Eber agrees to execute any documents necessary to complete our withdrawal from representation in a matter. Such termination by either party will not relieve Eber from the obligation to pay for all legal services rendered and disbursements incurred prior to the date of such

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300 Bausch & Lomb Place, Rochester, NY 14604
585-258-2800 PHONE 585-258-2821 FAX

www.underbergkessler.com

Additional Offices
Buffalo, Canandaigua, Newark, Greece and
Geneseo, NY

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termination and we have the legal right to retain Eber's files until we have been paid in full for our services to the date of termination.

Clients have the right to be provided with copies of correspondence and legal documents relating to the matters being handled by us and to be kept apprised of the status of those matters. Eber's rights and responsibilities as a client are set forth in the attached Appendix B. If Eber has any questions regarding the legal services being performed for Eber, our billing policies, or any bill Eber may receive, please feel free to discuss your questions and concerns with me or our managing partner, Anna Lynch.

In the event a dispute arises between Eber and this firm regarding fees or disbursements charged to Eber, Eber has the right to submit the dispute to arbitration pursuant to Part 137 of the Rules of the Chief Administrator, Title 22 of the Official Compilations of the Codes, Rules and Regulations of the State of New York. In Monroe County, New York, those arbitrations are administered by the Monroe County Bar Association and information can be obtained about fee arbitrations by calling (585) 546-1817.

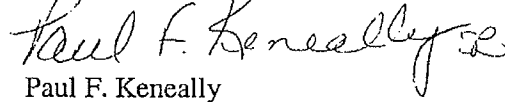
We encourage Eber and its officers to make sure that all of your questions are answered. We appreciate Eber's input, because this helps us to better address Eber's legal needs.

If the terms of our representation are agreeable to Eber, please sign the enclosed copy of this letter and return it to me to confirm Eber's acceptance of the terms of our engagement as well as Eber's receipt of the attached copy of Eber's responsibilities as a client. We have no obligation to provide legal services until Eber signs and return the copy of this letter, together with the Five Thousand Dollar (\$5,000.00) retainer. However, if we undertake to provide legal services prior to receiving the signed copy of this letter, the terms of our engagement will govern this work.

Again, we are pleased that you have selected Underberg & Kessler LLP to represent you.

Very truly yours,

UNDERBERG & KESSLER LLP

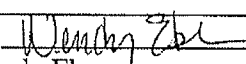

Paul F. Keneally

PFK:sb
cc: Rachel B. Bandyach, Esq.

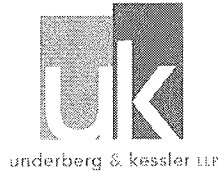
AGREED:
DATE: _____

DATE: _____

EBER BROTHERS WINE AND LIQUOR CORP.

By: _____
Lester Eber
Its: _____
By:  _____
Wendy Eber
Its: Chief Financial Officer

Eber Brothers Wine and Liquor Corp
Mr. Lester Eber
Ms. Wendy Eber
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Appendix A

Statement of Billing Policies

Staffing

We intend to provide quality legal services in an efficient, economical manner. This may necessitate involving other firm attorneys as well as paralegals, who are not attorneys but are experienced in the preparation of documents and the completion of various tasks. From time to time, internal conferences will take place among our personnel and two or more individuals may attend meetings on your behalf, but only where appropriate to provide needed professional experience, reduce the need for legal research or achieve economies of effort.

Computation of Fees

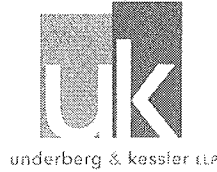
The primary basis for computing the fees for our services is the time spent by the various attorneys and paralegals performing such services. However, sometimes it is appropriate to take into account additional factors including the timeframe within which the services must be rendered, the priority given and the resources devoted to the services, the opportunity cost to the firm of performing the services, the responsibility or risk undertaken by the firm and the final results achieved.

The time for which you are charged generally includes: telephone and office conferences with you or perhaps, witnesses, employees, agents and affiliated professionals, consultants, experts, opposing parties and their counsel, our legal personnel and others; time spent conducting negotiations; factual and legal research and investigation; responding to auditors' requests for information regarding pending matters; preparing correspondence, reports, agreements, memoranda and other documents; and travel time.

We believe our hourly billing rates for attorneys and paralegals are competitive with other firms of our size and sophistication in the Western New York market. The hourly billing rates for our attorney(s) range from \$260 to \$345 for partners; \$240 to \$290 for senior attorneys; and \$165 to \$240 for associates. Our paralegals' hourly billing rates are \$100 to \$160. You will be billed the then current hourly billing rate for the attorney or paralegal performing the work, unless we agree otherwise. You may, at any time, request an updated list of hourly billing rates for paralegals, associates and partners handling your matters.

For your convenience we may furnish estimates of the legal fees or disbursements that we anticipate will be incurred on your behalf. An estimate is by its nature inexact and subject to

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unforeseen circumstances, and it should not be construed as a maximum or a minimum fee quotation unless agreed to in writing. Consequently, the final fee may differ from any estimate provided to you. There are many circumstances, which we can neither anticipate nor control, that can affect the amount of time we may have to devote to any particular matter. We will attempt to advise you as we encounter situations that may cause our time charges to exceed an estimate by a significant amount.

Costs and Disbursements

Advances made by the firm on your behalf for expenses such as travel, filing fees, extraordinary photocopying, postage and overnight delivery, computer assisted research, special deliveries, consultants' fees and other similar costs incurred in the performance of our services will be billed to you as costs. If costs are expected to be substantial, however, we may have them billed directly to you, without advancing them ourselves; or you may be requested to deposit funds up front to cover those costs. We will attempt to obtain your approval for large expenses on your behalf before we incur them.

Billing and Payment

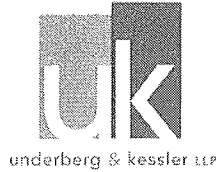
Our general practice will be to bill you for our services and costs on a monthly basis. Our statements will detail the legal fees and disbursements incurred on your behalf. Due to some delays in ascertaining the amounts involved, certain costs may not be billed by us on the statement which lists the related services. We will apply retainers received from you to monthly bills, and those bills will reflect charges against the retainer.

Payment is due within 30 days of the date of our statements for services. We reserve the right to charge you interest at the rate of 9% per annum, or such lesser maximum rate as may be permitted by applicable law, from the date of our invoice to the date of payment, on any amount you owe which is not paid within 30 days. We also reserve the right to terminate our representation at any time if payment is not received within 30 days from the date of a statement. Finally, we reserve the right to charge you any and all costs that we incur in collecting an overdue amount from you.

Retainer

You will not be credited with interest on any retainers held by us. By law, interest on all retainers goes directly from our bank into an Interest On Lawyer's Account fund established by the State of New York, and is used to support legal programs for those unable to afford legal representation. We reserve the right at any time to request an increase in any retainer held by us. Except to the extent used to pay our statements, as provided below, these retainer funds will

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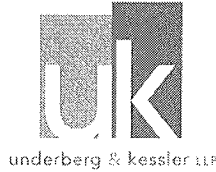
remain in our client trust account for the duration of our representation in the matter for which the retainer is held, and any remaining balance will be returned to you immediately upon termination of our representation with respect to that matter. Although you agree to pay each of our statements for services as provided herein, we reserve the right to use any part of the retainer to satisfy a delinquent payment, and to discontinue our representation until you forward funds to restore the full amount of the retainer.

Conflicts of Interest

With respect to conflict of interest matters, we are performing or have performed conflicts check within our office. As you understand, we represent many clients on a broad range of matters. Based upon our initial conversations, we have found no apparent conflicts relative to the representation requested. However, if at any time we become aware of a conflict, we will discuss it with you. We specifically reserve the right to withdraw from representation if we feel that we cannot properly represent you because of a conflict. In addition, because we do represent many banks and other financial institutions in the area, we are limited in our ability to institute litigation against these clients. If the requested representation would require such litigation, we may either withdraw from the requested representation or, after consultation with you, refer that particular matter to other counsel to handle.

We also may continue to represent or to undertake to represent existing or new clients in any matter that is not substantially related to our work on your matters, even if the interests of such clients in other matters are adverse to or in competition with you. However, if as a result of our representation of you, we have obtained sensitive, proprietary, or otherwise confidential information that, if known to any other client of ours, could be used by that client to your material disadvantage, we will discuss the situation with you. Of course, under no circumstances will we make any disclosure of any of your confidential information or our advice to you without your prior consent.

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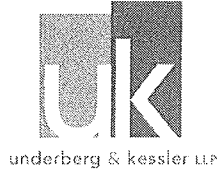


Appendix B

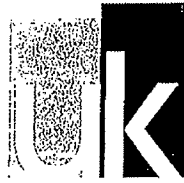
Client's Rights and Obligations

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and personnel in your lawyer's office.
2. You are entitled to an attorney capable of handling your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to withdraw from the attorney-client relationship at any time (court approval may be required in some matters and your attorney may have a claim against you for the value of services rendered to you up to the point of discharge).
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to be charged a reasonable fee and to have your lawyer explain at the outset how the fee will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any fee arrangement that you find unsatisfactory. In the event of a fee dispute, you may have the right to seek arbitration; your attorney will provide you with the necessary information regarding arbitration in the event of a fee dispute, or upon your request.
5. You are entitled to have your questions and concerns addressed in a prompt manner and to have your telephone calls returned promptly.
6. You are entitled to be kept informed as to the status of your matter and to request and receive copies of papers. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter.
7. You are entitled to have your legitimate objectives respected by your attorney, including whether or not to settle your matter (court approval of a settlement is required in some matters).
8. You have the right to privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.

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9. You are entitled to have your attorney conduct himself or herself ethically in accordance with the Code of Professional Responsibility.
10. You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.



underberg & kessler LLP

PAUL F. KENEALLY, PARTNER
(585) 258-2882
pkeneally@underbergkessler.com

December 13, 2016

VIA EMAIL & FIRST CLASS MAIL

Ms. Wendy Eber
Mr. Lester Eber
30 Corporate Drive
North Haven, CT 06473

Re: Engagement of Underberg & Kessler LLP

Dear Wendy and Lester:

We are pleased that you have chosen Underberg & Kessler LLP as counsel to provide representation to both of you, individually, Alexbay, LLC f/k/a Lester Eber, LLC, Eber Bros. & Co., Inc, Eber Bros. Wine and Liquor Corporation, Eber Bros. Wine & Liquor Metro, Inc. and Eber-Connecticut, LLC in an action venued in the Southern District of New York District Court and brought by Daniel Kleeberg, Lisa Stein and Audrey Hays. You may have additional legal needs in the future, some of which may arise in the course of representing you on this matter. We will be glad to discuss representing you on these other matters, if the need for additional work arises.

Attorneys, like other professionals who advise on financial matters, are now required by a new federal law to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Therefore, we have always protected your right to privacy.

In the course of providing our clients with litigation or some of the other services we offer, such as tax preparation and planning, real estate, debt collection, and other financial and management advice, we receive significant confidential financial information from our clients. As a client of Underberg & Kessler LLP, all information that we receive from you is held in confidence, and is not released to people outside the firm, except as agreed to by you, or as required under an applicable law.

We retain records relating to professional services that we provide so that we are better able to assist you with your needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic confidential information, we maintain physical, electronic and procedural safeguards that comply with our professional standards.

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Mr. Lester Eber
December 13, 2016
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We encourage you to make sure that all your questions are answered. We appreciate your input, because this helps us to better address your legal needs.

You may terminate our representation in any matter at any time. We have the same right, subject to our obligation to give you reasonable notice to arrange alternative representation and to obtain court approval where warranted. You agree to execute any documents necessary to complete our withdrawal from representation in a matter. Such termination by either party will not relieve you from the obligation to pay for all legal services rendered and all disbursements incurred prior to the date of such termination and we have the legal right to retain your files until we have been paid in full for our services to the date of termination.

Our general billing practices and explanation of how attorneys' fees will be charged and our policies in connection with expenses are outlined in the "Statement of Billing Policies" attached as Appendix A. The hourly billing rates for our attorney(s) range from: \$300.00 to \$375.00 for partners and senior attorneys; and \$200.00 to \$290.00 for associates. Our paralegals' hourly billing rates are \$110.00 to \$185.00. My hourly billing rate will be \$360.00. Colin D. Ramsey, Esq., who will be doing a significant amount of the legal work here has an hourly billing rate of \$300.00. Our hourly rates change from time-to-time, often in January of each year. You will be billed the then current hourly billing rate for the attorney or paralegal performing the work, unless we agree otherwise. We have agreed to an initial retainer of \$10,000.00 for an initial review of your current situation. We expect that an additional retainer will be required if we progress to the next stage.

If you have any questions regarding our billing policies, any bill you may receive or the legal services being performed for you, please feel free to discuss your questions and concerns with me or our managing partner. Clients have the right to be provided with copies of correspondence and legal documents relating to the matters being handled by us and to be kept apprised of the status of those matters. Your rights and responsibilities as a client are set forth in the "Client's Rights and Obligations" attached as Appendix B.

If a dispute arises between you and this firm regarding fees or disbursements charged to you, you have the right to submit the dispute to arbitration pursuant to Part 137 of the Rules of the Chief Administrator, Title 22 of the Official Compilations of the Codes, Rules and Regulations of the State of New York. In Monroe County, New York, those arbitrations are administered by the Monroe County Bar Association and information can be obtained about fee arbitrations by calling (585) 546-1817.

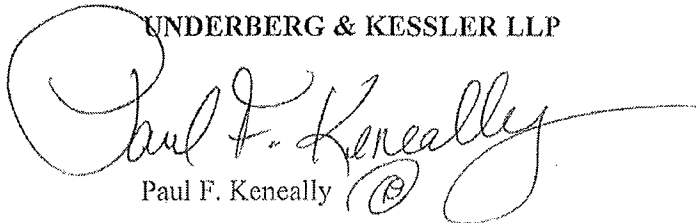
If the terms of our representation are agreeable to you, please sign the enclosed copy of this letter and return it to me along with the agreed upon retainer of \$10,000.00 to confirm your acceptance of the terms of our engagement as well as your receipt of the attached copy of your responsibilities as a client. You will be billed on a monthly basis for fees incurred. We have no obligation to provide legal services until you sign and return the copy of this letter. However, if we undertake to provide legal services prior to receiving your signed copy of this letter, the terms of our engagement will govern this work.

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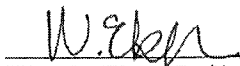
Again, we are pleased that you have selected Underberg & Kessler LLP to represent you. We welcome you as a returning client of the firm and we look forward to being of service to you.

Sincerely yours,

UNDERBERG & KESSLER LLP

Paul F. Keneally

PFK/ddd
Enclosures

AGREED to this 16 day of ^{February 2017} ~~December~~, 2016.



Wendy Eber, Individually and on behalf of
Alexbay, LLC f/k/a Lester Eber, LLC
Eber Bros. & Co., Inc.
Eber Bros. Wine and Liquor Corporation
Eber Bros. Wine & Liquor Metro, Inc.
Eber-Connecticut, LLC

Lester Eber, Individually and on behalf of
Alexbay, LLC f/k/a Lester Eber, LLC
Eber Bros. & Co., Inc.
Eber Bros. Wine and Liquor Corporation
Eber Bros. Wine & Liquor Metro, Inc.
Eber-Connecticut, LLC

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Appendix A

STATEMENT OF BILLING POLICIES

Computation of Fees

The primary basis for computing the fees for our services is the time spent by the various attorneys and paralegals performing such services. However, sometimes it is appropriate to take into account additional factors including the time frame within which the services must be rendered, the priority given and the resources devoted to the services, the opportunity cost to the firm of performing the services, the responsibility or risk undertaken by the firm and the final results achieved. Invoices for services will be rendered on a monthly basis. Invoices are payable upon receipt.

The time for which you are charged generally includes: telephone and office conferences with you or perhaps, witnesses, employees, agents and affiliated professionals, consultants, experts, opposing parties and their counsel, our legal personnel and others; time spent conducting negotiations; factual and legal research and investigation; responding to auditors' requests for information regarding pending matters; preparing correspondence, reports, agreements, memoranda and other documents; and travel time.

Our general billing practices and explanation of how attorneys' fees will be charged and our policies in connection with expenses are outlined in the "Statement of Billing Policies" attached as Appendix A. The hourly billing rates for our attorney(s) range from: \$300.00 to \$375.00 for partners and senior attorneys; and \$200.00 to \$290.00 for associates. Our paralegals' hourly billing rates are \$110.00 to \$180.00. You will be billed the then current hourly billing rate for the attorney or paralegal performing the work, unless we agree otherwise. You may, at any time, request an updated list of hourly billing rates for paralegals, associates and partners handling your matters.

For your convenience we may furnish estimates of the legal fees or disbursements that we anticipate will be incurred on your behalf. An estimate is by its nature inexact and subject to unforeseen circumstances, and it should not be construed as a maximum or a minimum fee quotation unless agreed to in writing. Consequently, the final fee may differ from any estimate provided to you. There are many circumstances, which we can neither anticipate nor control, that can affect the amount of time we may have to devote to any particular matter. We will attempt to advise you as we encounter situations that may cause our time charges to exceed an estimate by a significant amount.

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Staffing

We seek to provide quality legal services in an efficient, economical manner. This may necessitate involving different attorneys and paralegals, who are not attorneys but are experienced in the preparation of documents and the completion of various tasks.

From time-to-time, internal conferences will take place among our personnel and two or more individuals may attend meetings on your behalf, but only where appropriate to provide needed expertise, reduce the need for legal research or achieve economies of effort.

Costs

Advances made by the firm on your behalf for expenses such as travel, long-distance telephone calls, filing fees, photocopying, telecopy transmission, postage and overnight delivery, computer assisted research, special deliveries, consultants' fees and other similar costs incurred in the performance of our services will be billed to you as costs. If costs are expected to be substantial, however, we may have them billed directly to you, without advancing them ourselves; or you may be requested to deposit funds up front to cover those costs.

Billing and Payment

Our general practice will be to bill you for our services and costs on a monthly basis unless other arrangements are made. Our statements will detail the legal fees and disbursements incurred in your behalf. Due to some delays in ascertaining the amounts involved, certain costs may not be billed by us on the statement which lists the related services.

We reserve the right to charge you a late fee at the rate of eight percent (8%) per annum on any outstanding balance which is not paid within sixty (60) days from the date of the invoice. We also reserve the right to terminate our representation at any time if payment is not received within sixty (60) days of the invoice date. Finally, we reserve the right to charge you any and all costs that we incur in collecting an overdue amount from you.

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Conflicts of Interest

With respect to conflict of interest matters, we are performing or have performed conflicts check within our office. As you understand, we represent many clients on a broad range of matters. Based upon our initial conversations, we have found no apparent conflicts relative to the representation requested. However, if at any time we become aware of a conflict, we will discuss it with you. We specifically reserve the right to withdraw from representation if we feel that we cannot properly represent you because of a conflict. In addition, because we do represent many banks and other financial institutions in the area, we are limited in our ability to institute litigation against these clients. If the requested representation would require such litigation, we may either withdraw from the requested representation or, after consultation with you, refer that particular matter to other counsel to handle.

We also may continue to represent or to undertake to represent existing or new clients in any matter that is not substantially related to our work on your matters, even if the interests of such clients in other matters are adverse to or in competition with you. However, if as a result of our representation of you, we have obtained sensitive, proprietary, or otherwise confidential information that, if known to any other client of ours, could be used by that client to your material disadvantage, we will discuss the situation with you. Of course, under no circumstances will we make any disclosure of any of your confidential information or our advice to you without your prior consent.

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Mr. Lester Eber
December 13, 2016
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Appendix B

STATEMENT OF CLIENT'S RIGHTS

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and nonlawyer personnel in your lawyer's office.
2. You are entitled to have your attorney handle your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to discharge your attorney and terminate the attorney-client relationship at any time (court approval may be required in some matters and your attorney may have a claim against you for the value of services rendered to you up to the point of discharge).
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to be charged a reasonable fee and expenses and to have your lawyer explain before or within a reasonable time after the commencement of the representation how the fees and expenses will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any arrangement for fees and expenses that you find unsatisfactory. In the event of a fee dispute, you may have the right to seek arbitration: your attorney will provide you with the necessary information regarding arbitration in the event of a fee dispute, or upon your request.
5. You are entitled to have your questions and concerns addressed promptly and to receive a prompt reply to your letters, telephone calls, emails, faxes and other communications.
6. You are entitled to be kept reasonably informed as to the status of your matter and are entitled to have your attorney promptly comply with your reasonable requests for information, including your requests for copies of papers relevant to the matter. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter and make informed decisions regarding the representation.
7. You are entitled to have your legitimate objectives respected by your attorney. In particular, the decision of whether to settle your matter is yours and not your lawyer's. (Court approval of a settlement is required in some matters.)
8. You have the right to privacy in your communications with your lawyer and to have your confidential information preserved by your lawyer to the extent required by law.
9. You are entitled to have your attorney conduct himself or herself ethically in accordance with the New York Rules of Professional Conduct.
10. You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.

EXHIBIT

“C”

Documents to be Claw Backed:

- November 7, 2012 letter from Underberg & Kessler to Wendy Eber and Glenn Sturm, Esq. [Bates No. GUM000131-132].
- December 8, 2011 email from Wendy Eber to Mr. Gumaer and Lester Eber [Bates No. GUM000236].
- December 17, 2009 email string between Wendy Eber, Lester Eber, Mr. Gumaer, and Patrick Dalton, Esq. [Bates No. GUM000177]
- Undated Notes of Mr. Gumaer regarding PBGC [Bates No. GUM000189 and GUM000328].